

**CITY OF ANGELS  
CITY COUNCIL  
MINUTES  
Tuesday, November 19, 2013**

Council Members Present: Mayor Elaine Morris, Vice Mayor Jack Lynch, Stuart Raggio, Wes Kulm and Bert Sobon

Staff Present: Michael McHatten, Derek Cole, Dave Myers, Todd Fordahl, Dave Hanham, Julie McManus, Steve Flaigg and Mary Kelly

**4:30 p.m. CALL TO ORDER**

Chair Morris called the City Council meeting to order at 4:30 p.m. The City Council convened to closed session. Chair Morris reconvened to open session.

**6:00 p.m. REGULAR MEETING – CALL TO ORDER**

**ACTION TAKEN IN CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Action: Direction given to Counsel

**B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Hadley v. City of Angels, USDC, Eastern District, Case No. 1:13-cv-00218-AWI-MJS

Action: Direction given to Counsel

**C. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION**

Paragraph (1) of subdivision (d) of Govt. Code Section 54956.9 Difu, Croletto, Rosato and Turco v. City of Angels Camp, and City of Angels Camp Landscaping and Lighting District #1, Calaveras County Superior Court, Case No.13-cv-39523

Action: Direction given to Counsel

**D. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (d)(4) of Government Code Section 54956.9

Action: Direction given to Staff

**APPROVAL OF AGENDA**

The City Administrator pulled item 'b' under 'Feature Business Program'. This item will be heard at a later date.

MOTION by Council Member Raggio, seconded by Council Member Lynch and carried 5-0 APPROVING THE AGENDA WITH THE EXCLUSION OF ITEM 'b' UNDER THE FEATURE BUSINESS PROGRAM.

**STAFF UPDATES**

- The City Administrator had no additional items to add to the consolidated report included in the packet. He reported that the report now will include the monthly check register. He asked Council if they had questions after reviewing the register to contact him in advance to the meeting. He explained to is difficult to supply answers without having the invoices at hand and available.

**COUNCIL UPDATES**

**Bert Sobon**

- Attended CCOG. Terms were approved for citizen members.
- Attended LAFco. Adopted resolution to amend the bylaws. Removed all references to Roberts Rules of Order and will be adhering to Rosenberg's Rules of Order. Amended Bylaws approving records retention policy.

### **Jack Lynch**

- Attended DAC meeting
- Attended CSEDD. 2013-2014 Work Plan approved for \$25K. City's portion to remain at \$680.
- Attended Museum Commission meeting. Emphasized the change in hours for the winter. Thursday-Monday from 10-4.
- Attended LAFco

### **Elaine Morris**

- Attended CCOG
- Attended the dedication ceremony of new courthouse in San Andreas. Very nice, secure building.

### **PUBLIC COMMENT**

Public comment period was opened at 6:15 pm.

**Bob Menary**, Chairman for the ACBA Christmas parade

Reminded the Council of the parade on November 30<sup>th</sup>. ACBA will be decorating downtown on 11/25. The ACBA gala will be on December 2<sup>nd</sup> at Camps.

### **FEATURE BUSINESS PROGRAM**

**Michele Lee** –Travelodge

Michele explained that her parents and their business partners have owned the Angels Inn for 20 years. It has been the Travelodge for the past year. They have received a certificate of excellence award from Trip Advisor and numerous other awards and recognition for their service and quality. Occupancy has improved 27.7% since becoming a Travelodge. They serve a complimentary breakfast and offer free Wi-Fi. Website is travelodge.com

Council Member Lynch stated he attended the open house for Travelodge and he applauds their enthusiasm and the care given the traveler. Council Member Kulm said it is a great facility – very attractive and welcoming. It gives Angels Camp good 1<sup>st</sup> impression.

### **CONSENT AGENDA**

Council Member Kulm removed item 'c' and Council Member Lynch removed item 'e' for discussion.

**MOTION** by Council Member Sobon, seconded by Council Member Lynch and carried 5-0 ADOPTING THE REMAINING CONSENT AGENDA ITEM AS PRESENTED:

- a. Approve Minutes of Regular meeting November 5, 2013.
- b. Authorization to Advertise for Bids for the Stanislaus Avenue Project.
- d. Adopt Resolution No. 13-37: Approving the renaming of Roller Bypass Road to Roller Ranch Road

Council Member Kulm questioned the project cost relating to the change order for the Sprayfield Improvement Project. The City Engineer explained the project cost will not increase.

**MOTION** by Council Member Kulm, seconded by Council Member Lynch and carried 5-0 ADOPTING CONSENT AGENDA ITEM 'c' AS PRESENTED:

- c. Adopt Resolution No. 13-36: Notice of Completion and Change Order for the 2012-2013 Sprayfield Improvement Project.

Council Member Lynch asked for an update on what is being done on Murphys Grade Road. The Planning Director explained improvements being made.

**MOTION** by Council Member Lynch, seconded by Council Member Raggio and carried 5-0 ADOPTING CONSENT AGENDA ITEM 'e' AS PRESENTED:

- e. Adopt Resolution No. 13-38: Approving a program supplemental agreement between the City of Angels and Caltrans.

## **REGULAR AGENDA**

1. **APPROVE AMENDMENT AND AUTHORIZE THE MAYOR TO SIGN THE AMENDED CALAVERAS COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT, TO 1)CLARIFY THE TERM OF CITIZEN MEMBERS AND 2)PROVIDE FLEXIBILITY IN MEETING DATES, TIMES AND LOCATION**

MOTION by Council Member Lynch, seconded by Council Member Kulm and carried 5-0 ADOPTING RESOLUTION NO. 13-39. A RESOLUTION APPROVING THE AMENDMENTS AND AUTHORIZING THE MAYOR TO SIGN THE AMENDED CALAVERAS COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT, TO 1)CLARIFY THE TERM OF CITIZEN MEMBERS AND 2)PROVIDE FLEXIBILITY IN MEETING DATES, TIMES AND LOCATION

2. **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME REUSE FUNDS**

Terry Cox from Cox Consulting explained which kind of projects Reuse Funds could be used for. Council Member Kulm provided a handout (Attachment 'A') of options for possible use of these funds and asked the Council to consider these projects. Ms. Cox explained that some of the provided options would be more profitable to compete for with other CDBG grants. The City Administrator asked the Council to give staff direction to look at these and other options and direct staff to bring back suggestions to the Council. The Council agreed.

**Action:** STAFF TO REVIEW OPTIONS FOR POSSIBLE USE OF CDBG PROGRAM INCOME REUSE FUNDS AND PRESENT THESE OPTIONS AT A FUTURE CITY COUNCIL MEETING

3. **RECONSIDERATION OF ADOPTION OF RESOLUTION 13-31 ( Approved 9/15/2013 [Regular Business Item no. 1]; Reconsideration Granted on October 1, 2013)**

The City Attorney explained that the Council needs to consider three things regarding this agenda item:

1. Council needs to determine if the alleyway has been abandoned.
2. If they come to the conclusion that it has been abandoned: Council can, if they so desire, rescind resolution 13-31 which accepted the dedication of Kirby Street.
3. If they come to the conclusion that it has not been abandoned: Council can either rescind the resolution or not. The City is under no obligation to accept Kirby Street into the City road system even if it agrees the factual bases for acceptance exist.

Council Member Raggio stated that this is a battle between Mr. Sutton and Mr. Menary. This is not a City Council issue.

The Mayor opened public comment for this item.

**Mr. Chris Williams**, Counsel for Mr. Sutton and Mr. Fish addressed the items in the City Attorney's memo. He concluded there are no facts supporting abandonment.

**Mr. Bob Menary** explained the history in his purchase of the property on Kirby Street. He stated the City approved his garage being built facing the alleyway and this indicates to him that he has an easement to use the alleyway.

Public Comment was closed

Council Member Lynch stated that the Council has heard a lot information and there is potential litigation involved. He made a motion to continue this item and direct staff to schedule a closed session to allow council to hear and have a full discussion. Bring out of closed session for consideration. The City Attorney explained the discussion in closed session could only be on what liability would be if Council made a certain decision. You can't make any substance decision in closed

session. You'd have to do that in open session. Council Member Lynch stated this was his intention when making the motion.

Motion died due to lack of Second.

Council Member Raggio made a motion to rescind resolution 13-31. This was seconded by Mayor Morris. A roll call vote was asked for.

Sobon [NO], Kulm [NO], Raggio [YES], Lynch [NO], Morris [YES]  
Motion did not pass on a vote of 2-3.

Council Member Sobon asked Council Member Raggio if Mr. Menary received City access to Kirby St. and could provide documentation showing this, would it change Mr. Raggio's opinion that this issue is not a City issue? Council Member Raggio said it would change his opinion because the City made a mistake somewhere.

Council Member Lynch again motioned to continue this item to the next Council meeting. Prior to the regular meeting, this item to be placed under closed session. Motion was seconded by Council Member Kulm. Motion was passed on a vote of 3-2 with Council Members Morris and Raggio voting [NO]. The City Attorney again advised Council the closed session item would be to discuss potential liability only.

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4. **WORKSHOP: DISCUSSION OF CAPITAL PROJECTS ALLOCATION TO FUTURE DEVELOPMENT OR EXISTING RATE PAYERS AS RELATED TO POTENTIAL SEWER AND WATER CONNECTION IMPACT FEES**

Dave Richard from Nolte presented a Powerpoint outlining water and wastewater impact fees. The Council was asked to approve the suggested methodology:

1. Are the allocations attributable to existing ratepayers and development impacts acceptable as suggested?
2. Should wastewater fees be a function of project location or a uniform fee across the City?
3. Are the range of future impact fees acceptable to the City?

The Council concurred with #1 and #3. It was agreed that #2 will be brought back for further discussion.

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Calendar was reviewed by the City Clerk.

**MEETING WAS ADJOURNED AT 9:00 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Mary Kelly  
City Clerk